
SENATE BILL No. 545

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11-6.5; IC 3-11-15-43.

Synopsis: Paper record for voting machines. Requires that a voting system permit a voter to examine the paper record of the voter's votes to verify the voter's votes. Provides that after a voter has verified the votes on the paper record, the paper record is the official record of the votes. Appropriates \$8 million from the state general fund to the election administration assistance fund to assist counties to comply with this requirement.

Effective: July 1, 2007.

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January 23, 2007, read first time and referred to Committee on Local Government and Elections.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 545

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-11-6.5-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) In accordance
3 with 42 U.S.C. 15404, the election administration assistance fund is
4 established for the following purposes:

5 (1) As provided by 42 U.S.C. 15401, to carry out activities to
6 improve the administration of elections for federal office.

7 (2) As provided by 42 U.S.C. 15401, to use funds provided to the
8 state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401
9 through 15408) as a reimbursement of costs in obtaining voting
10 equipment that complies with 42 U.S.C. 15481 if the state obtains
11 the equipment after November 7, 2000.

12 (3) As provided by 42 U.S.C. 15401, to use funds provided to the
13 state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401
14 through 15408) as a reimbursement of costs in obtaining voting
15 equipment that complies with 42 U.S.C. 15481 under a multiyear
16 contract incurred after December 31, 2000.

17 (4) For reimbursing counties for the purchase of new voting



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1 systems or for the upgrade or expansion of existing voting
 2 systems that would not qualify for reimbursement under
 3 subdivision (2) or (3).

4 **(5) For reimbursing counties for the purchase of new voting**
 5 **systems or for the upgrade of existing voting systems to**
 6 **comply with IC 3-11-15-43(b).**

7 (b) The fund consists of the following:

8 (1) Money appropriated to the fund by the general assembly,
 9 including any money appropriated from the build Indiana fund.

10 (2) All money allocated to the state by the federal government:

11 (A) under Section 101 of HAVA (42 U.S.C. 15301), as
 12 required by 42 U.S.C. 15304;

13 (B) under Section 102 of HAVA (42 U.S.C. 15302), as
 14 required by 42 U.S.C. 15304;

15 (C) under Title II, Subtitle D, Part I of HAVA (42 U.S.C.
 16 15401 through 15408); and

17 (D) under any other program for the improvement of election
 18 administration.

19 (3) Proceeds of bonds issued by the Indiana bond bank for
 20 improvement of voting systems as authorized by law.

21 The auditor of state shall establish an account within the fund for
 22 money appropriated by the general assembly and separate accounts
 23 within the fund for any money received by the state from the federal
 24 government for each source of allocations described under subdivision
 25 (2). Proceeds of bonds issued by the Indiana bond bank under
 26 subdivision (3) may be deposited into any account, as determined by
 27 the election division.

28 (c) The secretary of state with the consent of the co-directors of the
 29 election division shall administer the fund.

30 (d) The expenses of administering the fund shall be paid from
 31 money in the Section 101 account of the fund. If money is not available
 32 for this purpose in the Section 101 account of the fund, the expenses of
 33 administering the fund shall be paid from money appropriated under
 34 subsection (b)(1).

35 (e) The treasurer of state shall invest the money in the fund not
 36 currently needed to meet the obligations of the fund in the same
 37 manner as other public money may be invested. Interest that accrues
 38 from these investments shall be deposited in the fund and allocated
 39 among the accounts within the fund according to the balances of the
 40 respective accounts.

41 (f) Money in the fund at the end of a state fiscal year does not revert
 42 to the state general fund.

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(g) Money in the fund is appropriated continuously for the purposes stated in subsection (a).

SECTION 2. IC 3-11-6.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) To receive reimbursement for the purchase of voting systems under this chapter, a county must file an application with the election division, in the form required by the election division. The secretary of state with the consent of the co-directors of the election division shall review the application and make a recommendation to the budget committee regarding the application. If a county filed an application under section 3 of this chapter (repealed) not later than January 31, 2003, the application may be amended to comply with this chapter or the county may file a new application under this subsection.

(b) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the budget agency determines ~~either~~ **any** of the following:

(1) The county has purchased or will purchase a new voting system or an upgrade or expansion of an existing voting system to comply with HAVA that would be eligible for reimbursement under HAVA and this chapter from any fund account.

(2) The county purchased a new voting system or an upgrade or expansion of the county's existing voting system after January 1, 1998, and before July 1, 2001, that would not qualify for reimbursement from federal funds received under HAVA, and the new voting system or upgrade or expansion of the county's existing voting system enhanced all of the following:

(A) Reliability of the county's voting system.

(B) Efficiency of the county's voting system.

(C) Ease of use of the county's voting system by voters.

(D) Public confidence in the county's voting system.

(3) The county purchased a new voting system or an upgrade of an existing voting system to comply with IC 3-11-15-43(b).

SECTION 3. IC 3-11-15-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 43. (a) The audit record provisions in this chapter are essential to the complete recording of election operations and reporting of the vote tally. This list of audit records must reflect all of the idiosyncrasies of a system.

(b) ~~As required by 42 U.S.C. 15481,~~ The voting system must **do the following:**

(1) Produce a permanent paper record with a manual audit capacity for the system. ~~and~~

(2) Permit the voter to examine the paper record to verify the

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1 voter's votes. A voter may not keep the paper record
2 produced under this subsection.

3 ~~(2)~~ (3) Provide the voter with an opportunity to change the ballot
4 or correct any error. ~~before~~

5 (4) Provide that after the voter has verified the voter's votes,
6 the permanent paper record is ~~produced~~ the official record of
7 the voter's votes.

8 (c) The paper record produced under subsection (b) must be made
9 available as

10 (5) Provide that the paper record described in subdivision (4)
11 is an official record for a recount or contest conducted with
12 respect to any election in which the voting system was used.

13 SECTION 4. [EFFECTIVE JULY 1, 2007] (a) There is
14 appropriated to the election administration assistance fund eight
15 million dollars (\$8,000,000) from the state general fund to
16 reimburse counties for expenditures permitted under IC 3-11-6.5,
17 as amended by this act, to comply with IC 3-11-15-43(b), as
18 amended by this act, beginning July 1, 2007, and ending June 30,
19 2009.

20 (b) This SECTION expires July 1, 2009.

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